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DOCKET NO.: C1039.70083US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.
Serial No.: 10/690,495
Confirmation No.: 8657
Filed: October 21, 2003
For: IMMUNOMODULATORY OLIGONUCLEOTIDES
Examiner: Patricia Ann Duffy
Art Unit: 1645

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 14th day of December, 2005.

Emily E. Zerkas
Emily E. Zerkas

MAIL STOP AMENDMENT

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:

Maria A. Trevisan

Maria A. Trevisan, Reg. No.: 48,207
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Telephone: (617) 646-8000

Docket No.: C1039.70083US00
Date: December 14, 2005
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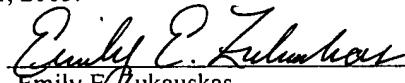
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Emily E. Zukauskas

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing of a first Office action on the merits in the above-identified case.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Docket No.</u>
10/532,746	04-26-2005	Ahluwalia et al.	*C1037.70035US01
10/811,226	03-26-2004	Wagner et al.	*C1041.70005US01
11/031,460	01-07-2005	Krieg et al.	*C1039.70048US16
11/067,587	02-25-2005	Krieg et al.	*C1039.70048US18
11/099,683	04-04-2005	Krieg et al.	*C1037.70047US01
11/179,008	07-08-2005	Hartmann et al.	*C1039.70044US02
11/183,253	07-15-2005	Ahluwalia et al.	*C1037.70035US02
11/184,065	07-18-2005	Davis et al.	*C1037.70056US01
11/255,100	10-20-2005	Krieg et al.	*C1037.70059US01

*A copy of this reference is not provided as the Office has waived the requirement under 37 C.F.R. 1.98(a)(2)(iii) for submitting a copy of a cited U.S. patent application if it is scanned to Image File Wrapper system and is available on Private PAIR.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.


By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By: 

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Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Docket No.: C1039.70083US00
Date: December 14, 2005
xNDDx

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

APPLICATION NO.: 10/690,495

ATTY. DOCKET NO.: C1039.70083US00

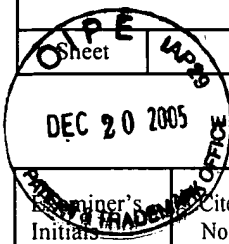
FILING DATE: October 21, 2003

CONFIRMATION NO.: 8657

APPLICANT: Krieg et al.

GROUP ART UNIT: 1645

EXAMINER: Patricia Ann Duffy


 Sheet 1 of 5
U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or Issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
		5,399,346		Anderson et al.	03-21-1995
		5,580,859		Felgner et al.	12-03-1996
		5,589,466		Felgner et al.	12-31-1996
		5,593,972		Weiner et al.	01-14-1997
		5,641,662		Debs et al.	06-24-1997
		5,643,578		Robinson et al.	07-01-1997
		5,676,954		Brigham	10-14-1997
		5,693,622		Wolff et al.	12-02-1997
		5,703,055		Felgner et al.	12-30-1997
		5,703,057		Johnston et al.	12-30-1997
		5,827,703		Debs et al.	10-27-1998
		5,830,878		Gorman et al.	11-03-1998
		6,121,247		Huang et al.	09-19-2000
		6,221,882		Macfarlane	04-24-2001
		6,224,901	B1	Li et al.	05-01-2001
		6,399,630		Macfarlane	06-04-2002
		6,479,504		Macfarlane et al.	11-12-2002
		6,521,637		Macfarlane	02-18-2003
		6,727,230	B1	Hutcherson et al.	04-27-2004
		6,821,957	B1	Krieg et al.	11-23-2004
		6,943,240		Bauer et al.	09-13-2005
		6,949,520		Hartmann et al.	09-27-2005
		2002-0091097	A1	Bratzler et al.	07-11-2002
		2002-0164341	A1	Davis et al.	11-07-2002
		2003-0026801	A1	Weiner et al.	02-06-2003
		2003-0050261	A1	Krieg et al.	03-13-2003
		2003-0050268	A1	Krieg et al.	03-13-2003
		2003-0091599	A1	Davis et al.	05-15-2003
		2003-0100527	A1	Krieg et al.	05-29-2003
		2003-0139364	A1	Krieg et al.	07-24-2003
		2003-0148316	A1	Lipford et al.	08-07-2003
		2003-0148976	A1	Krieg et al.	08-07-2003

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DATE CONSIDERED:

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449/A and B (modified PTO/SB/08) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 10/690,495		ATTY. DOCKET NO.: C1039.70083US00		
				FILING DATE: October 21, 2003		CONFIRMATION NO.: 8657		
				APPLICANT: Krieg et al.				
				GROUP ART UNIT: 1645		EXAMINER: Patricia Ann Duffy		
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		2003-0181406	A1	Schetter et al.	09-25-2003
		2003-0191079	A1	Krieg et al.	10-09-2003
		2003-0212026	A1	Krieg et al.	11-13-2003
		2003-0224010	A1	Davis et al.	12-04-2003
		2003-0232074	A1	Lipford et al.	12-18-2003
		2003-0232856	A1	Macfarlane	12-18-2003
		2004-0009949	A1	Krieg	01-15-2004
		2004-0030118	A1	Wagner et al.	02-12-2004
		2004-0038922	A1	Haensler et al.	02-26-2004
		2004-0053880	A1	Krieg	03-18-2004
		2004-0067902	A9	Bratzler et al.	04-08-2004
		2004-0067905	A1	Krieg	04-08-2004
		2004-0087534	A1	Krieg et al.	05-06-2004
		2004-0087538	A1	Krieg et al.	05-06-2004
		2004-0092472	A1	Krieg	05-13-2004
		2004-0106568	A1	Krieg et al.	06-03-2004
		2004-0131628	A1	Bratzler et al.	07-08-2004
		2004-0132685	A1	Krieg et al.	07-08-2004
		2004-0142469	A1	Krieg et al.	07-22-2004
		2004-0143112	A1	Krieg et al.	07-22-2004
		2004-0147468	A1	Krieg et al.	07-29-2004
		2004-0152649	A1	Krieg	08-05-2004
		2004-0152656	A1	Krieg et al.	08-05-2004
		2004-0152657	A1	Krieg et al.	08-05-2004
		2004-0162258	A1	Krieg et al.	08-19-2004
		2004-0162262	A1	Krieg et al.	08-19-2004
		2004-0167089	A1	Krieg et al.	08-26-2004
		2004-0171150	A1	Krieg et al.	09-02-2004
		2004-0171571	A1	Krieg et al.	09-02-2004
		2004-0181045	A1	Krieg et al.	09-16-2004
		2004-0198680	A1	Krieg	10-07-2004
		2004-0198688	A1	Krieg et al.	10-07-2004
		2004-0229835	A1	Krieg et al.	11-18-2004
		2004-0234512	A1	Wagner et al.	11-25-2004
		2004-0235770	A1	Davis et al.	11-25-2004
		2004-0235774	A1	Bratzler et al.	11-25-2004

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		2004-0235777	A1	Wagner et al.	11-25-2004
		2004-0235778	A1	Wagner et al.	11-25-2004
		2004-0266719	A1	McCluskie et al.	12-30-2004
		2005-0004061	A1	Krieg et al.	01-06-2005
		2005-0004062	A1	Krieg et al.	01-06-2005
		2005-0009774	A1	Krieg et al.	01-13-2005
		2005-0032734	A1	Davis et al.	02-10-2005
		2005-0032736	A1	Krieg et al.	02-10-2005
		2005-0037403	A1	Krieg et al.	02-17-2005
		2005-0037985	A1	Krieg et al.	02-17-2005
		2005-0043529	A1	Davis et al.	02-24-2005
		2005-0049215	A1	Krieg et al.	03-03-2005
		2005-0049216	A1	Krieg et al.	03-03-2005
		2005-0054601	A1	Wagner et al.	03-10-2005
		2005-0054602	A1	Krieg et al.	03-10-2005
		2005-0059619	A1	Krieg et al.	03-17-2005
		2005-0059625	A1	Krieg et al.	03-17-2005
		2005-0070491	A1	Krieg et al.	03-31-2005
		2005-0075302	A1	Hutcherson et al.	04-07-2005
		2005-0100983	A1	Bauer et al.	05-12-2005
		2005-0101554	A1	Krieg et al.	05-12-2005
		2005-0101557	A1	Krieg et al.	05-12-2005
		2005-0119273	A1	Lipford et al.	06-02-2005
		2005-0123523	A1	Krieg et al.	06-09-2005
		2005-0130911	A1	Uhlmann et al.	06-16-2005
		2005-0148537	A1	Krieg et al.	07-07-2005
		2005-0169888	A1	Hartman et al.	08-04-2005
		2005-0171047	A1	Krieg et al.	08-04-2005
		2005-0181422	A1	Bauer et al.	08-18-2005
		2005-0182017	A1	Krieg	08-18-2005
		2005-0197314	A1	Krieg et al.	09-08-2005
		2005-0215500	A1	Krieg et al.	09-29-2005
		2005-0215501	A1	Lipford et al.	09-29-2005
		2005-0233995	A1	Krieg et al.	10-20-2005
		2005-0233999	A1	Krieg et al.	10-20-2005
		2005-0239732	A1	Krieg et al.	10-27-2005

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		2005-0239733	A1	Jurk et al.	10-27-2005
		2005-0239734	A1	Uhlmann et al.	10-27-2005
		2005-0239736	A1	Krieg et al.	10-27-2005
		2005-0245477	A1	Krieg et al.	11-03-2005
		2005-0244379	A1	Krieg et al.	11-03-2005
		2005-0244380	A1	Krieg et al.	11-03-2005
		2005-0250726	A1	Krieg et al.	11-10-2005
		2005-0256073	A1	Lipford et al.	11-17-2005
		2005-0267057	A1	Krieg	12-01-2005
		2005-0267064	A1	Krieg et al.	12-01-2005

FOREIGN PATENT DOCUMENTS

Examiner's Initials #	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
		EP	0 819 758	A2	Mixson	01-21-1998	
		WO	93/25673	A1	The Regents of the University of CA	12-23-1993	
		WO	94/04196	A1	Imperial Cancer Research Technology Limited	03-03-1994	
		WO	99/56755	A1	University of Iowa Research Foundation	11-11-1999	
		WO	00/06588	A1	University of Iowa Research Foundation	02-10-2000	
		WO	2004/026888	A2	Coley Pharmaceutical GmbH	04-01-2004	
		WO	2004/007743	A2	Coley Pharmaceutical GmbH	01-22-2004	
		WO	2004/094671	A2	Coley Pharmaceutical GmbH	11-04-2004	

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials #	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
		BROIDE et al., Immunostimulatory DNA sequences inhibit IL-5, eosinophilic inflammation, and airway hyperresponsiveness in mice. J Immunol. 1998 Dec 15;161(12):7054-62.	
		GURSEL et al., Sterically stabilized cationic liposomes improve the uptake and immunostimulatory activity of CpG oligonucleotides. J Immunol. 2001 Sep 15;167(6):3324-8.	
		KLINKE et al., Modulation of airway inflammation by CpG oligodeoxynucleotides in a murine model of asthma. J Immunol. 1998 Mar 15;160(6):2555-9.	
		KRIEG et al., CpG DNA induces sustained IL-12 expression in vivo and resistance to Listeria monocytogenes challenge. J Immunol. 1998 Sep 1;161(5):2428-34.	
		LITZINGER et al., Fate of cationic liposomes and their complex with oligonucleotide in vivo. Biochim Biophys Acta. 1996 Jun 11;1281(2):139-49.	

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		NORMAN et al., Liposome-mediated, nonviral gene transfer induces a systemic inflammatory response which can exacerbate pre-existing inflammation. Gene Ther. 2000;7:1425-30. Abstract Only.	
		RUDGINSKY et al., Antitumor activity of cationic lipid complexed with immunostimulatory DNA. Mol Ther. 2001 Oct;4(4):347-55. Abstract Only.	
		VERMA et al., Gene therapy—promises, problems, and prospects. Nature. 1997 Sep18;389:239-42.	
		WHITMORE et al., Systemic administration of LPD prepared with CpG oligonucleotides inhibits the growth of established pulmonary metastases by stimulating innate and acquired antitumor immune responses. Canc Immun Immunother. 2001;50:503-14.	
		WHITMORE et al., LPD lipopolyplex initiates a potent cytokine response and inhibits tumor growth. Gene Ther. 1999;6:1867-75.	

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. __, filed __, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE – No copies of U.S. patents, published U.S. patent applications, or pending, unpublished patent applications stored in the USPTO's Image File Wrapper (IFW) system, are included. See 37 CFR §1.98 and 1287OG163. Copies of all other patent(s), publication(s), unpublished, pending U.S. patent applications, or other information listed are provided as required by 37 CFR §1.98 unless 1) such copies were provided in an IDS in an earlier application that complies with 37 CFR §1.98, and 2) the earlier application is relied upon for an earlier filing date under 35 U.S.C. §120.]

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